CCRB INVESTIGATIVE RECOMMENDATION

Investigator:	ŗ	Геат:	CCRB Case #:	▼ Force	☑ Discourt.	☐ U.S.
Sophia Manuel	S	Squad #16	201405162	☑ Abuse	O.L.	✓ Injury
Incident Date(s)]	Location of Incident:	•	Precinct:	18 Mo. SOL	EO SOL
Tuesday, 05/20/2014 11:00 PM		87(2)(b) ; 48th Precinct stationho	En route to the buse	48	11/20/2015	11/20/2015
Date/Time CV Reported		CV Reported At:	How CV Reported:	Date/Time	Received at CCI	RB
Wed, 05/21/2014 12:00 AM]	AB	Phone	Tue, 05/27	7/2014 5:19 PM	
Complainant/Victim	Type	Home Addre	ess			
Witness(es)		Home Addre	ess			
Subject Officer(s)	Shield	TaxID	Command			
1. SGT Gelono Joshua	03365	930442	PBBX			
2. POM Joseph Murray	06464	934018	048 PCT			
3. Officers						
Witness Officer(s)	Shield No	Tax No	Cmd Name			
1. POM Michael Rothschild	31315	954300	PBBX			
2. POF Stephanie Castillo	30685	953737	PBBX			
3. CPT Keith Walton	00000	917193	PBBX			
4. LT Timothy Conlon	00000	929929	048 PCT			
5. POM Joseph Castaldo	15457	938189	048 PCT			
6. SGT James Rodenas	04602	920770	048 PCT			
Officer(s)	Allegation	1		Inve	estigator Recon	nmendation
A.SGT Gelono Joshua	Abuse: At Joshua thr	§ 87(2)(b) eatened to arrest ^{§ 87(2)(b}	in the Bronx, Sgt. C			
B.SGT Gelono Joshua	Discourtes Gelono Jo	sy: At ^{§ 87(2)(b)} shua spoke rudely to [§] and ind	in the Bronx, and in the Bronx	Sgt.		
C.SGT Gelono Joshua	Force: At Joshua use		in the Bronx, Sgt. G	elono		
D.SGT Gelono Joshua	Force: At	87(2)(b) ed physical force again	in the Bronx, Sgt. G st § 87(2)(b) § 87(2)(b)	elono		

Officer(s)	Allegation	Investigator Recommendation
E.SGT Gelono Joshua	Force: At \$87(2)(b) in the Bronx, Sgt. Gelono Joshua used physical force against \$87(2)(b)	
F.POM Joseph Murray	Force: At \$87(2)(b) in the Bronx and en route to the 48th Precinct stationhouse, PO Joseph Murray used physical force against \$87(2)(b)	
G. Officers	Force: At \$87(2)(b) in the Bronx, officers used physical force against \$87(2)(b) \$87(4-b), \$87(2)(g)	

Case Summary

On May 20, 2014, at approximately 11:00 p.m., \$87(2)(b) was with his relatives and neighbors
in front of his apartment building, located at in the Bronx. The group of
people included \$87(2)(b)
(his mother), §87(2)(b) (his friend), §87(2)(b) (his friend)
(his friend), and \$87(2)(b) (a friend of \$87(2)(b) Sgt. Gelano
Joshua and PO Stephanie Castillo of Patrol Borough Bronx Impact approached the group and told
them to leave the area. Sgt. Joshua allegedly said that they would be arrested if they did not leave
and told them to, "Get the fuck out of here" (Allegations A and B). §87(2)(b) protested that he
did not have to leave. Sgt. Joshua allegedly pushed \$87(2)(6) s chest with both hands and then
did not have to leave. Sgt. Joshua allegedly pushed \$87(2)(b) s chest with both hands and then repeatedly punched his face, causing a laceration to \$87(2)(b) s forehead (Allegation C).
\$87(2)(b) began punching Sgt. Joshua's face, and a fight ensued. \$87(2)(b) and \$87(2)(b)
\$87(2)(b) tried to separate them. Sgt. Joshua allegedly pushed, punched, or slapped \$87(2)(b)
causing her to fall to the ground (Allegation D). §87(2)(b) fled into his apartment. The family
and neighbors stood on the steps to the building, preventing Sgt. Joshua from entering. Sgt.
Joshua allegedly pulled § 87(2)(b) off the stairs, causing her to fall and scrape her knee
(Allegation E). Additional units arrived. Officers entered the building in search of \$87(2)(b)
but could not find him. PO Joseph Murray and unidentified officers allegedly hit, punched, and
kicked §87(2)(b) (Allegations F and G). §87(2)(b) was handcuffed and
transported to the 48 th Precinct stationhouse, where he was released with summonses for
§ 87(2)(b)

§ 87(2)(b) and § 87(2)(b) were treated at § 87(2)(b)
(encl. Privileged Folder). \$87(2)(6) filed a complaint with IAB, and IAB
investigators interviewed the family at the hospital that day. PO Michael Rothschild then arrested
\$ 87(2)(b) at the hospital for \$ 87(2)(b)
(arrest report
encl. 137-139; IAB log and report encl. 15-20; 146-185; CCRB complaint encl. 21-24). Video
footage was obtained from the cell phone of a neighbor, \$87(2)(b) and from security
cameras § 87(2)(b) video attached to IA #33; security footage attached to IA #80, 81, 82
must be copied to drive to view; video summaries encl. 25-27).
This case was originally assigned to Inv. Andrew Guinan. It was reassigned to Inv. Ben Gilmore
on December 18, 2014, following Inv. Guinan's resignation from the CCRB. The case was
reassigned again to Inv. Sophia Manuel on March 12, 2015, §87(2)(9)
Mediation, Civil and Criminal Histories
This case was not eligible for mediation. § 87(2)(b) and
have not filed a Notice of Claim regarding this incident (encl. 242) [\$87(2)(b)]
(3)&(4)][§
V1(2)(V)]

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- In case 200514579, an allegation that he hit someone with a door was unfounded.
- In case 201113949, an allegation that he pushed someone was unfounded.
- In case 201402433, an allegation that he fought someone was unsubstantiated.
- PO Joseph Murray has been a member of the NYPD for 11 years and has been the subject of 10 allegations in 6 CCRB cases. None of the allegations were substantiated, \$87(2)(9) (encl. 1a):
 - In case 20104885, allegations that he punched someone and struck him with an asp were closed as victim uncooperative.
 - In case 201009350, an allegation that he punched someone was closed as complainant uncooperative.
 - o In case 201102095, an allegation that he shoved someone was exonerated and an allegation that he hit someone's head against a vehicle was unfounded.
 - o In case 201206420, allegations that he struck someone with a baton and shoved him were unsubstantiated.

Other Evidence

Video 1 (provided by § 87(2)(b)	and attached to IA #33)

- 00:00:00: Sgt. Joshua, PO Castillo, § 87(2)(b) and § 87(2)(b) the street. Sgt. Joshua pulls § 87(2)(b) as §87(2)(b) swings his arm towards Sgt. Joshua's hits Sgt. Joshua's head repeatedly with a plastic bottle. He backs away, but appears to pull \$87(2)(b) shirt towards him. The image is dark and unclear.
- 00:00:07: § 87(2)(b) shouts, "You fucking hit him first, my nigger." PO Castillo speaks into her radio. § 87(2)(b) and § 87(2)(b) go towards where Sgt. Joshua is struggling with § 87(2)(b) The image is shaky.
- 00:00:13: The image becomes clearer and §87(2)(b) can be seen hugging Sgt. Joshua's head to his chest. PO Castillo pulls on Sgt. Joshua's arm. The image becomes blurry.
- 00:00:27: § 87(2)(b) shouts, "You broke his face, my nigger. I got it on video."
- 00:00:30: § 87(2)(b) follows § 87(2)(6) up the stairs to the building. He goes inside, and she turns to face the sidewalk. Many people walk up the stairs. Sgt. Joshua tries to climb the stairs, but § 87(2)(b) and others put their arms out to block him. The camera moves around as some sort of brief commotion occurs.
- 00:01:12: Sgt. Joshua and PO Castillo stand on the sidewalk. People on the steps yell at them. Sgt. Joshua tries to get on the stairs again.
- 00:01:30: PO Castaldo and PO Murray appear. Then more officers come and climb the stairs.
- 00:02:45: Officers crowd around \$87(2)(b) who is against the building and out of view. The video ends.

Video 2 (surveillance footage of the inside of building, attached to IA #80, copy to drive to view)

• Various civilians walk in and out of view, including §37(2)(b) who wears a red shirt.

Page 3 CCRB Case # 201405162 Video 3 (surveillance footage of the front of building, attached to IA #81, copy to drive to view)

- At 11:00 p.m., four people are seated and standing on the stairs and beside the stairs to the building. There is a table next to the stairs. Several people arrive. By 11:15 p.m., there are approximately 10 people in front of the building, either on the stoop, beside the stoop, or leaning against or standing beside parked cars. Although the group always leaves space for pedestrians to walk down the sidewalk, the people on the stoop would be in the way of anyone trying to enter or exit the building.
- At 11:16 p.m., a police car double-parks. Sgt. Joshua and PO Castillo exit and walk towards the group in front of the building. Sgt. Joshua talks to the people playing dominos at the table. The people seated around the table stand up. A woman approaches the officers and speaks with them.
- At 11:18 p.m., several people push solution out of view. Sgt. Joshua then hurriedly walks out of view in solution of view in solution, as if going after him. PO Castillo follows. Most of the group gets up and follows them out of view.
- At 11:19 p.m., many people stand on the steps of the building. Sgt. Joshua walks towards the steps. pulls him back. He tries to walk up the stairs, followed by PO Castillo, but people on the stairs block his path. Approximately 15 people surround the officers on the sidewalk. There appears to be some back and forth tugging, with Sgt. Joshua trying to get on the stairs and people pulling him back and blocking his path. Sgt. Joshua pushes forward with his right hand several times.
- At 11:20 p.m., Sgt. Joshua and PO Castillo are still on the sidewalk. Sgt. Joshua is pointing and gesturing as if he is yelling at the people on the stairs. More officers arrive. Several walk through the crowd, up the stairs, to the door of the building. They are forced back down the stairs by the crowd. They walk back up and enter the building. Meanwhile, one officer escorts several people to stand against the wall beside the stairs.
- At 11:21 p.m., PO Murray grabs \$87(2)(b) s arm. He gets \$87(2)(b) s arms behind his back and walks him to the other side of the stairs, to the wall where two officers are keeping people back. Two officers push \$87(2)(b) against the wall. He is out of view, but there is evidently some sort of struggle between several officers and \$87(2)(b) Then they pull him off the wall. He is bent over. Then they push him towards the wall again. Then they pull him off the wall and walk him out of view.
- At 11:22 p.m., Cpt. Keith Walton enters the building. All officers exit the building.

Video 4 (surveillance footage inside the front door, attached to IA #82, copy to drive to view)

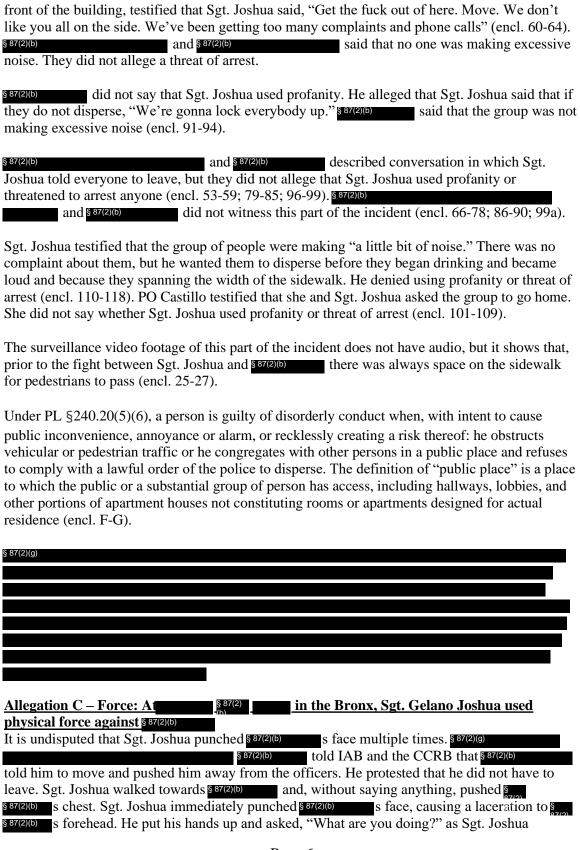
- At 11:00 p.m., people are seated on the stairs in front of the building.
- Officers can be seen in front of the building at 11:18 p.m.
- At 11:19 p.m., \$87(2)(b) walks inside. Blood streams down his face. His shirt is torn. There is movement in front of the door, but it is not possible to see what is happening clearly.
- At 11:20 p.m., \$87(2)(b) exits the building. \$87(2)(b) opens the front door. A civilian and a white male officer in uniform with glasses and arm tattoos walk inside. The officer stops at the threshold and turns around, apparently distracted by something happening outside. There appears to be a struggle with officers and civilians, but it is not possible to see what is happening, except for the movement of shoulders. Fifteen to twenty officers in uniform and plainclothes enter the building. Then they exit the building and drive away.
- At 11:27 p.m., a man brings in the domino table.
- At 11:30:10, several people pick up § 37(2)(b) and carry her into the building.

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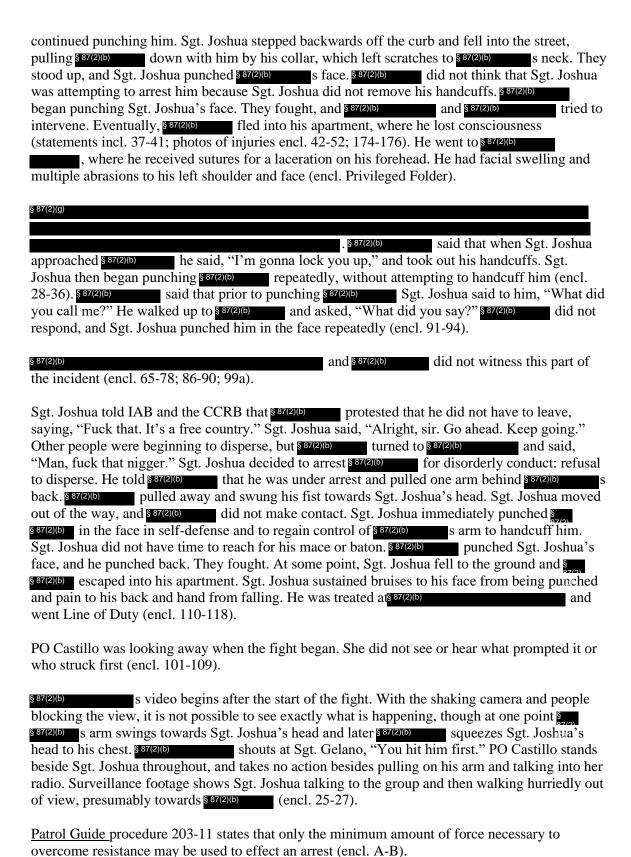
Investigative Findings and Recommendations

All	egations Not Pleaded
•	Force: § 87(2)(b) alleged that a uniformed, white, male officer in his thirties, with an
	average build and glasses, stopped \$87(2)(b) pulled him aside, and slapped him six
	times before officers placed him in a prisoner van. Although PO Joseph Castaldo closely fits
	this description, §87(2)(6) attributed all these actions to PO Murray.
•	Force: \$87(2)(b) and \$87(2)(b) alleged that a heavy-set,
	Hispanic male officer slapped \$87(2)(b) while he sat in the police van at the scene.
	ser(2)(b) did not make this allegation.
_	Discourtesy: § 87(2)(b) alleged that multiple officers said, "Shut the fuck up," to
•	
	allegation.
Ωf	ficer Identification
<u>OI</u>	Sgt. Joshua acknowledged telling the group to leave and fighting with \$87(2)(b)
•	and \$87(2)(b) alleged that the same officer who fought \$87(2)(b) also used
	physical force against them. §87(2)(9)
•	alleged that a tall, bald, white male officer in uniform used physical force
	against him. He said that this officer was in the marked van with him while a shorter, white
	male officer in uniform with black hair drove him to the stationhouse. PO Joseph Castaldo's
	memo book indicates that he transported §87(2)(b) to the stationhouse in a marked
	van and that he was partnered with PO Murray. PO Castaldo is a 5'8" tall, white male with
	brown hair and glasses. PO Murray is a 6'3" tall, bald, white male. PO Murray did not have
	any memo book entries about or recollection of the incident, but acknowledged being
	partnered with PO Castaldo and assigned to a marked van. He looks the same as the officer
	who enters the scene with PO Castaldo in \$87(2)(b) s video. \$87(2)(g)
•	alleged that multiple officers, who he could not describe, used physical
	force against him during his apprehension. Witnesses also could not describe these officers,
	though one witness misattributed PO Murray's actions to PO Castaldo. No officers could
	identify the officers who apprehended \$87(2)(b) The video footage was not clear enough
	to support identification. §87(2)(9)
	to support identification, society
ΑII	egation A – Abuse of Authority: At (Section 1) in the Bronx, Sgt. Gelano
	shua threatened to arrest \$87(2)(b) and individuals.
	egation B – Discourtesy: At in the Bronx, Sgt. Gelano Joshua spoke
	dely to \$87(2)(b) and individuals.
	s undisputed that approximately twenty people were sitting and standing in front of the
	lding without alcohol, marijuana, or music. It is also undisputed that Sgt. Joshua instructed
	m to disperse § 87(2)(9)
tiic	in to disperses a characteristic and the control of
§ 87(:	told IAB and the CCRB that Sgt. Joshua approached [587(2)(b)] s family and
	ends and said that the police had received a noise complaint about them. § 87(2)(6) said
	t they were being quiet. Sgt. Joshua replied, "Pack up and get the fuck out of here. Move. You
	· · · · · · · · · · · · · · · · · · ·
	d Sgt. Joshua that they were being quiet, Sgt. Joshua replied, "Get the hell out of the area"
(en	cl. 28-36). §87(2)(b) who was playing dominoes with the §87(2)(b) family in

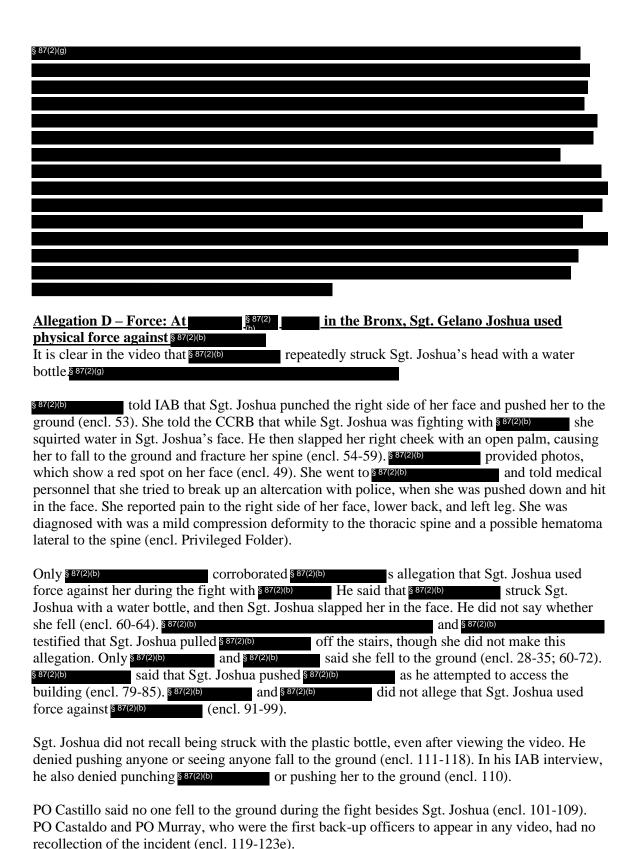
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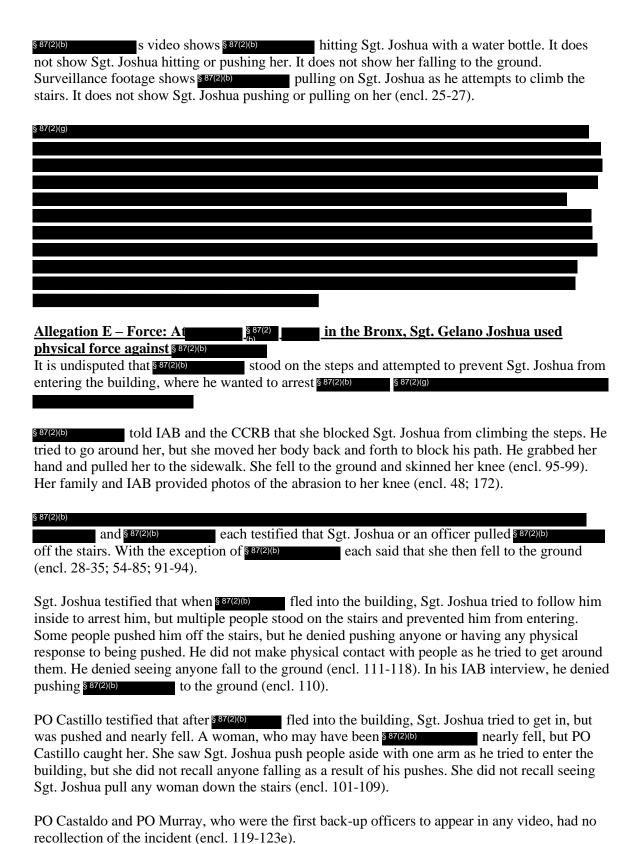
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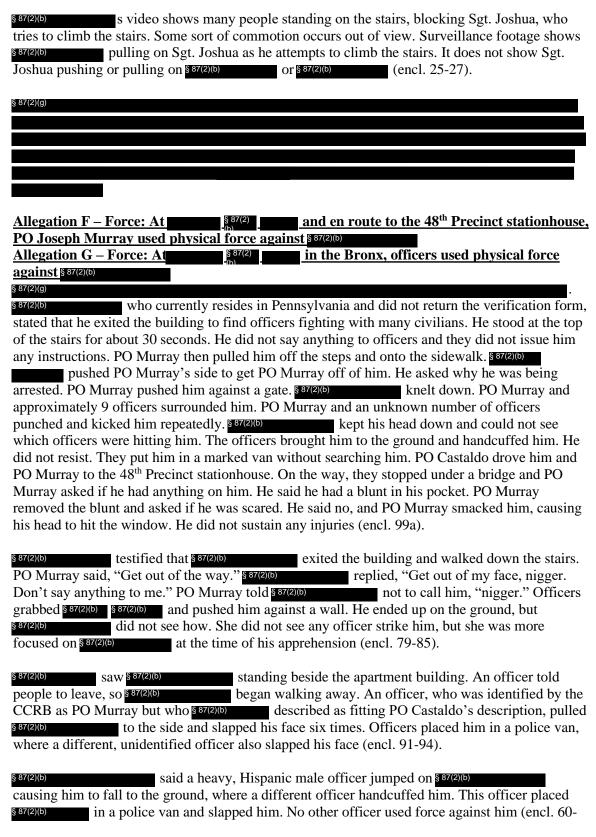
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64). When \$87(2)(b) first saw \$87(2)(b) he was lying on the ground, being handcuffed. Officers put him in a police van, where an officer (who \$87(2)(b) could not describe) struck \$87(2)(b) \$87(2)(b) (encl. 66-72). \$87(2)(b) did not allege that an officer struck him in the police van on the scene.
s head against a gate when he was in handcuffs (encl. 73-78). \$87(2)(6) did not allege that officers slammed his head against a gate.
\$ 87(2)(b) and \$ 87(2)(b) did not mention \$ 87(2)(b) s arrest (encl. 28-59; 95-99).
PO Murray had no memo book entries about or recollection of the incident. His memo book says his tour ended at 11:35 p.m. (encl. 123a-e). PO Castaldo's memo book indicates that he and PO Murray transported a prisoner from to the 48 th Precinct at 11:55 p.m., but he had no recollection of the incident (encl. 119-123).
PO Castillo said that she and two unidentified sector officers told \$87(2)(6) to move back because he was standing on the sidewalk, where a crime scene was developing. \$87(2)(6) refused, and was given a \$87(2)(6) summons. He did not have identification, so he was handcuffed and transported to the stationhouse. PO Castillo did not recall officers having difficulty handcuffing him. She did not recall which officers were involved in his apprehension and did not recall whether any officer slapped him (encl. 101-109).
Sgt. Joshua was inside the building during \$87(2)(b) s apprehension. When he exited, was standing in handcuffs. Sgt. Joshua did not see any officer use physical force against him (encl. 110-118).
Surveillance footage depicts PO Murray pull \$87(2)(b) from one side of the staircase to the other side. Prior to being pulled, \$87(2)(b) cannot be seen, due to the large crowd. PO Murray pushes him into the gate. Many officers, whose features are unclear, bend down over who is out of view, but who must have gone to the ground. Besides the push, no physical force is visible in the video because he is out of view (encl. 25-27).
§ 87(2)(g)
§ 87(2)(g)
§ 87(4-b), § 87(2)(g)

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§ 87(4-b), § 87(2)(g)			
Team:			
Investigator:Signature	Print	Date	
Supervisor: Title/Signature	Print	Date	
Reviewer:	Print	Date	
Reviewer:	Print	 Date	